

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALLAN D. GRUSHKIN,

Plaintiff,

v.

SECURITY NATIONAL PROPERTIES
HOLDING COMPANY, LLC,

Defendant.

No. C-13-5457 MMC

**ORDER GRANTING DEFENDANT'S
MOTION TO VACATE STIPULATED
JUDGMENT; VACATING STIPULATED
JUDGMENT; RETAINING JURISDICTION
TO IMPOSE SANCTIONS**


Before the Court is defendant's "Motion to Vacate Judgment and to Dismiss the Case for Lack of Subject Matter Jurisdiction," filed October 2, 2015, pursuant to Rule 60(b)(4) of the Federal Rules of Civil Procedure. Plaintiff has filed opposition, to which defendant has replied. The matter came on regularly for hearing on December 4, 2015. Ryan F. Thomas of Johnston | Thomas appeared on behalf of plaintiff. Benjamin C. Johnson of the Boesch Law Group appeared on behalf of defendant. Having considered the parties' respective written submissions and the arguments of counsel, the Court rules as follows.

1 1. For the reasons stated on the record at the hearing, the Court hereby GRANTS
2 defendant's motion, and, accordingly, VACATES the stipulated judgment filed by the
3 parties and entered by the Court on May 28, 2015.

4 2. Notwithstanding the above ruling, the Court hereby RETAINS jurisdiction to
5 determine whether an attorney or party to the instant action "has abused the judicial
6 process, and, if so, what sanction would be appropriate." See Willy v. Coastal Corp., 503
7 U.S. 131, 138, 139 n.5 (1992) (holding "sanction[s] may constitutionally be applied even
8 when subject-matter jurisdiction is eventually found lacking").

9 **IT IS SO ORDERED.**

10 Dated: December 22, 2015


MAXINE M. CHESNEY
United States District Judge